
Public Utilities Commission of the State of California

Public Agenda 3108

Thursday, February 27, 2003 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

Geoffrey F. Brown

Susan P. Kennedy

Loretta M. Lynch

Carl W. Wood

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings 505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
Monday, March 10, 2003 (San Francisco)	Thursday, February 27, 2003 (San Francisco)
Friday, March 28, 2003 (San Francisco at 11:00 a.m.)	Thursday, March 13, 2003 (San Francisco)
Monday, April 14, 2003 (San Francisco)	Thursday, April 03, 2003 (San Francisco)
Monday, May 05, 2003 (San Francisco)	Wednesday, April 16, 2003 (San Francisco)
	Wednesday, May 07, 2003 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

Matters of Public Interest

For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.

For further information contact the Public Advisor
(415) 703-2074 E-mail: public.advisor@cpuc.ca.gov



This location is accessible to people with disabilities. If specialized accommodations for the disabled are needed, e.g. sign language interpreters, please call the Public Advisor at (415) 703-2074 or TTY# (415) 703-5282 or toll free # 1-866-836-7825 three business days in advance of the meeting.

PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
- CA-27, CA-31

Public Comment:

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Orders and Resolutions

- | | |
|----------------------------|--|
| CA-1
1677 | Res TL - 19022
Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code. |
| CA-2
1678 | Res ALJ 176-3108
Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=140031 |

**CA-3
1558****I98-12-013 - Order Instituting Investigation into the power outage which occurred on December 8, 1998 on Pacific Gas and Electric System.**

This investigation addresses the Pacific Gas and Electric Company (PG&E) power outage that occurred on December 8, 1998 in San Francisco. The intent of the investigation was to discover the root causes of the outage and to identify and implement measures to prevent future outages. The Commission has developed a substantial record through the submission of reports by the parties, and extensive workshops. These have culminated in a joint report by PG&E, the Commission's Consumer Protection and Safety Division, and the City and County of San Francisco. The joint report recommends a series of reporting requirements designed to monitor outages, and PG&E's progress toward implementing various measures designed to enhance system reliability. In this opinion, the Commission adopts the recommended reporting requirements. This proceeding is closed.

(Comr Wood - ALJ O'Donnell)

Pub. Util. Code § 311 – This item was mailed for Public Comment

Pub. Util Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

(Agenda 3106, Item CA-5 1/30/2003 (Wood))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=139800

**CA-4
1656****A02-09-004 - Damon A. Baxter, dba Dependable Moving Services (Applicant).**

This decision dismisses the Applicant's application for household goods mover permit for failure to prosecute. This proceeding is closed.

(Comr Kennedy - ALJ Rosenthal)

Pub. Util. Code § 311 – This item was mailed for Public Comment

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141602

**CA-5
1675****C02-07-038 - Daniel A. Stock vs. Southern California Edison Company.**

The Commission dismisses this complaint for failure to state a claim upon which relief can be granted under Pub. Util. Code § 1702. Complainant has failed to show that the method used by Defendant to determine his over-baseline residential usage in months in which both winter and summer baseline allowances are used in the same bill is in violation of any provision of law or of any order or rule of the Commission. This proceeding is closed.

(Comr Peevey - ALJ Simon)

Pub. Util. Code § 311 – This item was mailed for Public Comment

Pub. Util Code §1701.1 -- This proceeding is categorized as Adjudicatory.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141658

**CA-6
1720****A02-05-058 - California-American Water Company (Cal-Am).**

This decision grants Cal-Am's application to expand its certificate of public convenience and necessity to provide wastewater services, acquire assets of the County of Monterey, and provide service to all customers under a system-wide tariff. This proceeding is closed.

(Comr Brown - ALJ Cooke)

Pub. Util. Code § 311 – This item was mailed for Public Comment

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141606

**CA-7
1721****A02-10-027 - National Videophone Services, Inc.**

This decision grants National Videophone Services, Inc. a certificate of public convenience and necessity under Pub. Util. Code § 1001 to provide limited facilities-based and resold local exchange and interexchange telecommunications services. This proceeding is closed.

(Comr Peevey - ALJ Bemmesderfer)

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=136737

**CA-8
1723****Res TL-19020**

This resolution adjusts the rates in Maximum Rate Tariff 4, governing the transportation of used household goods and personal effects by household goods carriers.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=140177

**CA-9
1724****A02-07-009 - Southwest Gas Corporation.**

For authority to adjust public purpose program surcharges. A02-07-013, A02-07-016, A02-07-017, A02-07-018, A02-11-024, A02-11-050 - Related matters. This decision addresses the low-income assistance programs of Alpine Natural Gas Company, Avista Utilities, Bear Valley Electric Company, Southwest Gas Company, Sierra Pacific Power Company, PacifiCorp and West Coast Gas Company. The Commission establishes funding levels and penetration rate benchmarks for their California Alternate Rates for energy programs during program year (PY) 2003 and PY2004. The Commission also authorizes funding for their Low-Income Energy Efficiency programs during PY2003, and requires them to file applications for PY2004 by July 1, 2003. The Commission addresses other issues, such as reporting and ratemaking treatment, raised by Energy Division in its Workshop Report. Southwest Gas Company and Sierra Pacific Company are authorized to increase ratepayer collections to fund their PY2003 programs. The associated rate changes will be implemented in their pending general rate case proceedings. These proceedings are closed.

(Comr Wood - ALJ Gottstein)

Pub. Util. Code § 311 – This item was mailed for Public Comment

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=140185

**CA-10
1725**

R93-04-003 - Rulemaking on the Commission's Own Motion to Govern Open Access to Bottleneck Services and Establish A Framework for Network Architecture Development of Dominant Carrier Networks.

I93-04-002 - Related matters. This decision suspends for one year the annual nomination process for review of Unbundled Network Element rates set forth in Ordering Paragraph 11 of D99-11-050. (Comr Peevey - ALJ Duda)

Pub. Util. Code § 311 – This item was mailed for Public Comment

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141822

**CA-11
1728**

A00-09-001 - Pacific Gas and Electric Company (PG&E).

This decision finds that PG&E's Year 2000 Transition Cost Balancing Account entries are reasonable, including: \$7.4 million for procurement of electricity; \$194,860 for settlement of QF related litigation costs; and payments under the Bargaining Unit Severance and Displacement program. This proceedings is closed.

(Comr Wood - ALJ Patrick)

Pub. Util. Code § 311 – This item was mailed for Public Comment

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=140179

**CA-12
1729**

R02-01-011 - Order Instituting Rulemaking regarding the implementation of the suspension of Direct Access pursuant to Assembly Bill 1X and D01-09-060.

This order grants the petition to modify filed on November 18, 2002, by San Diego Gas & Electric Company, seeking clarification of whether D02-11-022 exempts the 80 megawatts of United States Navy load referenced in the Decision from the components of the direct access cost responsibility surcharge.

(Comr Brown, Comr Wood - ALJ Pulsifer)

Pub. Util. Code § 311 – This item was mailed for Public Comment

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141791

**CA-13
1730**

R02-01-009 - Order Instituting Rulemaking into the issues of safety certification for rail transit agencies and other public transit guideways.

This decision adopts General Order (GO) 164-C to replace existing GO 164-B regarding railway fixed guideway safety. This proceeding is closed.

(Comr Brown - ALJ Walker)

Pub. Util. Code § 311 – This item was mailed for Public Comment

Pub. Util Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141609

**CA-14
1732****A02-09-009 - Southern California Edison Company (SCE).**

This decision grants SCE authority to lease available land on the Etiwanda-Padua and Mira Loma-Padua Right of Way to Copart, Inc. under Pub. Util. Code Section 851.

(Comr Peevey - ALJ Bemserderfer)

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

(Agenda 3107, Item CA-31 2/13/2003 (Staff))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141263

**CA-15
1740****A02-10-012 - California Catalog and Technology, Inc. dba CCT Telecommunications (Applicant).**

This decision grants the Applicant a certificate of public convenience and necessity under Pub. Util. Code § 1001 to provide facilities-based and resold local exchange telecommunications services and facilities-based interexchange service throughout the state. This proceeding is closed.

(Comr Peevey - ALJ Bemserderfer)

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=136796

**CA-16
1741****A02-09-036 - Enhanced Communications Network, Inc. dba Asian American Association.**

For a certificate of public convenience and necessity under Pub. Util. Code § 1001 to provide limited facilities-based and resold local exchange and interexchange telecommunications services. Granted. This proceeding is closed.

(Comr Peevey - ALJ Bemserderfer)

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=138467

**CA-17
1742****A02-10-010 - Claricom Networks, LLC.**

For a certificate of public convenience and necessity under Pub. Util. Code § 1001 for authority to provide non-facilities-based and resold local exchange telecommunications services. Granted. This proceeding is closed.

(Comr Brown - ALJ Bemserderfer)

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=136008

- CA-18 1756** **A02-11-015 - Amandeep Singh Manesh dba Economy Express Airporter/Limo.**
This decision authorizes Amandeep Singh Manesh to operate as a passenger stage corporation between the Counties of San Francisco, Santa Clara, Alameda, Contra Costa, and San Mateo and the International Airports of San Francisco, Oakland, and San Jose, and to establish a zone of rate freedom. This proceeding is closed.
(Exam Clark)
Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=140182
- CA-19 1757** **A02-11-047 - Ju-Cheng Ho dba Good Day Shuttle.**
This decision authorizes Ju-Cheng Ho to operate as a passenger stage corporation between Orange County and John Wayne Airport. This proceeding is closed.
(Exam Clark)
Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=140183
- CA-20 1758** **A02-11-003 - Kundan Singh Dhani.**
This decision authorizes Kundan Singh Dhani to establish a zone of rate freedom. This proceeding is closed.
(Exam Clark)
Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=140181
- CA-21 1759** **A02-10-032 - Mohammad Yoonos dba Discount Shuttle.**
This decision authorizes Mohammad Yoonos to operate as an on-call passenger stage corporation between points in San Bernardino, Riverside, Orange, and Los Angeles Counties, on the one hand, and the Airports in the Los Angeles Basin, on the other hand, and to establish a zone of rate freedom. This proceeding is closed.
(Exam Clark)
Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=140178
- CA-22 1760** **A02-11-036 - National Comtel Network, Inc. and Jeff L. Foss.**
This decision approves the transfer of control of National Comtel Network, Inc. to Jeff L. Foss. This proceeding is closed.
(Comr Peevey - ALJ O'Donnell)
Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

- CA-23
1761** **A02-11-009 - Startec, Inc., Startec Global Operating Company, Startec Global Licensing Company and Allied Capital Corporation.**
This decision approves the transfer of control of Startec, Inc. to Allied Capital Corporation. This proceeding is closed.
(Comr Brown - ALJ Fukutome)
Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141665
- CA-24
1762** **Res W-4373 - Toro Water Service (Toro).**
This resolution grants Toro a rate increase to compensate for receivership costs in the amount of \$45,355 or 26.5%.
(Advice Letter 50, filed September 23, 2002)
- CA-25
1763** **Res W-4374 - San Jose Water Company (SJWC).**
This resolution authorizes SJWC an increase in rates to recover the cost to implement the City of San Jose's fire hydrant program producing an increase in annual revenue of \$580,746 or 0.46%. (Advice Letter 336, filed November 4, 2002)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=138840
- CA-26
1764** **Res E-3812 - Pacific Gas and Electric Company (PG&E).**
This resolution approves changes to PG&E's Electric Rule 21, Generating Facility Interconnections, clarifying and defining issues as agreed upon in the on-going working group meetings.
(Advice Letter 2281-E-A, filed December 27, 2002.)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=140932
- CA-27
1766** **(ECP) C02-10-041 - Tangiers Motel c/o Rajubhai Patel vs. Pacific Bell Telephone Company**
This decision grants Defendant's motion to dismiss. This proceeding is closed.
(Comr Peevey - ALJ Barnett)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=140029
- CA-28
1768** **A02-09-042 - Rasmi B. Assaf.**
This decision authorizes the sale of Rasmi B. Assaf's one-half partnership interest in Citywide Shuttle and Limousine Service and transfer of a passenger stage corporation certificate to a new partnership. This proceeding is closed.
(Exam Clark)
Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=140979

- CA-29
1770** **A00-10-029 - Pacific Gas and Electric Company (PG&E).**
This decision extends PG&E's authority to pledge its gas customer accounts receivable and core gas inventory for the purpose of procuring core gas supplies. This proceeding is closed.
(Comr Wood - ALJ Long)
Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=140527
- CA-30
1783** **A02-10-024 - OneStar Long Distance, Inc. (Applicant).**
For a certificate of public convenience and necessity under Pub. Util. Code § 1001 to provide limited facilities-based and resold local exchange telecommunications services. Granted. This proceeding is closed.
(Comr Peevey - ALJ Bemederfer)
Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=139296
- CA-31
1784** **(ECP) C02-11-043 - Christel Osborn vs. Pacific Gas and Electric Company (PG&E).**
Complainant alleges that PG&E wrongfully disconnected electric and gas service to her residence in Oakland for nonpayment of her bill. The Commission concludes that Complainant failed to meet her burden of proof with regard to alleged payments. PG&E is directed to restore services upon payment of a deposit by Complainant of \$270. The Complaint is dismissed and the proceeding is closed.
(Comr Brown - ALJ Patrick)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=139503
- CA-32
1785** **A02-05-029 - Looking Glass Networks, Inc. (Applicant).**
For a certificate of public convenience and necessity to provide facilities-based local exchange and interexchange telecommunications services. Specifically, Applicant requests authority to construct fiber optic cable facilities and ancillary equipment between structures to which service will be provided. Granted. This proceeding is closed.
(Comr Peevey - ALJ O'Donnell)
Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=140319

**CA-33
1789****A02-07-042 - A+ Wireless, Inc. dba Advantage Wireless (Applicant).**

For a certificate of public convenience and necessity under Pub. Util. Code § 1001 to provide limited facilities-based and resold local exchange and interexchange telecommunications services. Granted. This proceeding is closed.

(Comr Peevey - ALJ Bemederfer)

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=140821

**CA-34
1792****Res T-16734**

This resolution authorizes a corrected California High Cost Fund-A support of \$13,175,550 for the Sierra Telephone Company, Inc. for the year 2003. A revised net intrastate revenue requirement of \$3,755,965 and a revised Total Intrastate Rate Base amount of \$37,559,717 with an authorized overall Rate of Return of 10% are adopted for the test year 2003.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141807

Regular Agenda

Utility and Transportation Orders *Orders Held Over*

H-1 (Rev.) A98-12-005 - GTE Corporation (GTE) and Bell Atlantic Corporation (Bell Atlantic).

93 GTE to transfer and Bell Atlantic to acquire control of GTE's California utility subsidiaries which will occur indirectly as a result of GTE's merger with Bell Atlantic. This decision modifies D01-09-045 which awarded compensation to three intervenors for substantial contributions to D00-03-021. The awards to Greenlining Institute/Latino Issues Forum and Public Advocates are increased to \$276,173.06 and \$267,858.21, respectively. There is no change to the award of The Utility Reform Network. This proceeding is closed. (Agenda 3073, Item CA-26, 10/10/01).

(Comr Kennedy - ALJ Kotz)

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

(Agenda 3080, Item CA-24 1/23/2002; Agenda 3081, Item CA-19 2/7/2002; Agenda 3090, Item H-2 6/27/2002; Agenda 3091, Item H-3 7/17/2002; Agenda 3093, Item H-2 8/22/2002 (Duque); Agenda 3094, Item CA-3 9/5/2002 (Wood); Agenda 3098, Item H-1 10/24/2002 (Wood); Agenda 3102, Item H-2 12/5/2002 (Lynch); Agenda 3103, Item H-1 12/17/2002 (Brown); Agenda 3105, Item H-1 1/16/2003 (Staff); Agenda 3107, Item H-1 2/13/2003 (Staff))

02/26/2003 - This revision was not shown on the Agenda mailed to the public.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141832

H-1a ALTERNATE TO ITEM 93

1461 This alternate decision grants intervenor compensation awards to TURN, Public Advocates and Greenlining/Latino Issues Forum for their participation in A98-12-005 in the amount of \$146,113.66, \$268,108.93 and \$279,740.33 respectively. If approved this decision will replace D01-09-045 in its entirety.

(Comr Wood)

(Agenda 3102, Item H-2a 12/5/2002 (Lynch); Agenda 3103, Item H-1a 12/17/2002 (Brown); Agenda 3105, Item H-1a 1/16/2003 (Staff); Agenda 3107, Item H-1a 2/13/2003 (Staff))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141868

**H-2
1159****R92-03-050 - Order Instituting Rulemaking on the Commission's own motion to consider the line extension rules of electric and gas utilities.**

This decision rejects free inspections for projects undertaken by third-party contractors at ratepayer expense; and rejects proposed accounting changes for line extension costs. This proceeding is closed.

(Comr Kennedy - ALJ Patrick)

Pub. Util. Code § 311 – This item was mailed for Public Comment

(Agenda 3099, Item 2 11/7/2002 (Duque); Agenda 3101, Item H-7 11/21/2002 (Wood);

Agenda 3103, Item H-8 12/17/2002 (Wood); Agenda 3106, Item H-2 1/30/2003

(Kennedy); Agenda 3107, Item H-2 2/13/2003 (Brown))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141252

**H-2a
1662****ALTERNATE TO ITEM 1159**

This alternate order differs from the proposed decision in that it adopts the TURN/UCAN proposals related to the accounting of costs for applicant-installed line extensions and the eligibility of utility inspections for line extension credits.

(Comr Wood)

(Agenda 3106, Item H-2a 1/30/2003 (Kennedy); Agenda 3107, Item H-2a 2/13/2003

(Brown))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141555

**H-3
1256****R97-10-049 - Rulemaking on the Commission's own motion to set rules and to provide guidelines for the privatization and excess capacity as it relates to investor owned water companies.**

This decision alters a Conclusion of Law and an Ordering Paragraph of D00-07-018 to conform to discussion and record in proceeding. This proceeding is closed.

(Comr Kennedy - ALJ Bushey)

Pub. Util. Code § 311 – This item was mailed for Public Comment

(Agenda 3101, Item CA-12 11/21/2002 (Duque); Agenda 3103, Item CA-9 12/17/2002

(Duque); Agenda 3106, Item H-4 1/30/2003 (Peevey))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=140289

**H-4
1361**

I _____ - Order Instituting Investigation on the Commission's own motion to review the compliance of San Diego Gas & Electric Company and Southern California Gas Company with the Commission's Affiliate Transaction Rules.

This investigation will review the activities of Sempra Energy and its subsidiaries and affiliates in regards to their relationship and interactions with the regulated utilities San Diego Gas & Electric Company and Southern California Gas Company to evaluate the utilities' compliance with the Commission's affiliate rules and holding company decisions.

(Comr Lynch)

(Agenda 3101, Item 3 11/21/2002 (Lynch); Agenda 3103, Item H-15 12/17/2002

(Lynch); Agenda 3105, Item H-6 1/16/2003 (Brown); Agenda 3106, Item H-6 1/30/2003

(Peevey); Agenda 3107, Item H-5 2/13/2003 (Kennedy))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141175

**H-5
1372**

R93-04-003 - Rulemaking on the Commission's own motion to govern open access to bottleneck services and establish a framework for network architecture development of dominant carrier networks.

I93-04-002 - Related matters. This decision adopts interim monthly prices for a subset of network elements that Verizon California, Inc. (Verizon) sells to competitive local exchange carriers (CLCs). Specifically, this decision adopts the proposal presented by AT&T Communications of California, Inc., WorldCom Inc., and The Utility Reform Network (TURN) to base interim prices on Unbundled Network Element (UNE) rates recently adopted for Verizon in New Jersey. The New Jersey rates are adjusted based on the Federal Communications Commission's (FCC's) Synthesis Model and deaveraged into two zones for loops. For unbundled loops, the 2-wire interim loop rate is \$10.56 in Zone 1 and \$22.37 in Zone 2. For unbundled switching, the Commission adopts interim end office and tandem switching rates that are 60% and 31% less than current rates, respectively. The Commission adopts a basic port rate of \$2.12 that is 54% less than the current rate. The markup for shared and common costs embedded in current UNE rates shall remain at 22% as adopted in D97-01-022. This proceeding will remain open to set final UNE rates for Verizon. The interim UNE rates adopted in this order are subject to adjustment, either up or down, from the effective date of this order until final rates are adopted. This decision modifies the interim price floor formula adopted for Verizon in D99-12-018. When calculating price floors, Verizon should use the interim UNE rates adopted in this order and incorporate other changes to reflect the lower UNE rates adopted today. Finally, today's order applies a 22% markup for shared and common costs to Verizon's nonrecurring costs and orders Verizon to make several changes in how it has combined these costs to form the nonrecurring prices competitors will pay.

(Comr Peevey - ALJ Duda)

Pub. Util. Code § 311 – This item was mailed for Public Comment

(Agenda 3103, Item 2 12/17/2002 (Peevey); Agenda 3106, Item H-7 1/30/2003 (Peevey))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=139891

- H-5a**
1765 **ALTERNATE TO ITEM 1372**
This Alternate Draft Decision adopts interim UNE loop rates based upon rates as set in Florida, not New Jersey. The result of such an analysis is that the 2-wire interim loop rate is \$12.83 in Zone 1 and \$20.10 in Zone 2. The 4-wire interim loop rate is \$30.42 in Zone 1 and \$47.67 in Zone 2.
(Comr Peevey)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=140735
- H-6**
1479 **A01-09-040 - Clear World Communications Corporation (Clear World).**
This decision denies the application of Clear World for a certificate of public convenience and necessity (CPCN) to resell local exchange telecommunications services because it is not fit to provide such services. In addition, this decision prohibits Christopher Mancuso from any involvement with any utility subject to the Commission's jurisdiction, including Clear World.
(Comr Peevey - ALJ O'Donnell)
Pub. Util. Code § 311 – This item was mailed for Public Comment
Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.
(Agenda 3105, Item 4 1/16/2003 (Staff); Agenda 3106, Item H-10 1/30/2003 (Lynch); Agenda 3107, Item H-6 2/13/2003 (Lynch))
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141437
- H-6a**
1747 **ALTERNATE TO ITEM 1479**
This alternate orders Clear World to show cause why it should not be fined for slamming, and have its Certificate of Public Convenience & Necessity to resell interexchange services revoked.
(Comr Lynch)
(Agenda 3107, Item H-6a 2/13/2003 (Lynch))
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141109
- H-7**
1481 **A02-06-019 - Pacific Gas and Electric Company (PG&E).**
PG&E requests authority to increase its base revenue by \$96 million to be effective as of April 22, 2002, for electric and gas distribution, customer services, and Humboldt Nuclear SAFSTOR activities to reflect an attrition revenue adjustment for the year 2002. Held: Request denied. It is too speculative to grant an attrition in 2002 based on recorded operations of 1996 and 1997. This proceeding is closed.
(Comr Peevey - ALJ Barnett)
Pub. Util. Code § 311 – This item was mailed for Public Comment
Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.
(Agenda 3105, Item 2 1/16/2003 (Brown); Agenda 3107, Item H-7 2/13/2003 (Brown))
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141242

H-7a ALTERNATE TO ITEM 1481**1799**

This alternate partially approves Pacific Gas and Electric Company's (PG&E) request for a 2002 Attrition Rate Adjustment (ARA). PG&E requested an ARA of 96.3 million. The alternate approves an ARA of \$73.8 million. The difference occurs because the alternate approves an ARA increase for rate base, but not for expenses to the state record.

(Comr Brown)

H-8 A02-03-059 - Pacific Bell Telephone Company (Pacific).**1500**

This decision approves the arbitrated interconnection agreement filed by Pacific and Pac-West Telecomm, Inc., under Rule 4.2 of the Commission's revised rules governing filings made pursuant to the Telecommunications Act of 1996, pursuant to Subsection 252(e) of that Act. This proceeding is closed.

(Comr Wood - ALJ Ryerson)

(Agenda 3103, Item 11 12/17/2002 (Brown); Agenda 3105, Item H-8 1/16/2003 (Brown); Agenda 3107, Item H-8 2/13/2003 (Peevey))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141256

H-8a ALTERNATE TO ITEM 1500**1798**

This alternate decision approves with modification the arbitrated interconnection agreement between SBC-California and Pac-West Telecomm, Inc. Issue number 14 of the Final Arbitrator's Report is modified to comport with prior Commission decisions, such that transport charges are applicable to VNXX traffic terminating outside of the originating local calling area.

(Comr Brown)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=139836

H-9 A02-09-040 - Fruitridge Vista Water Company (FVWC).**1601**

This decision denies FVWC's Petition for Modification of Resolution W-4252. This proceeding is closed.

Pub. Util. Code § 311 – This item was mailed for Public Comment

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

(Agenda 3107, Item 1 2/13/2003 (Staff))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141639

**H-10
1638****R99-10-025 - Order Instituting Rulemaking into Distributed Generation.**

This decision completes the Commission's rulemaking and establishes policies for ownership and operation of distributed generation and their integration into utility planning and operation of the distribution grid. This decision finds that there is no need to place restrictions on ownership of distributed generation units. The technology of electricity distribution, however, necessitates that a distributed generation owner will only be eligible for compensation for deferring distribution system upgrades in limited circumstances, described herein, and only if the distributed generator offers physical assurance. Similarly, since almost every retail sale will utilize both the distribution and transmission networks (even those that appear to stay within a single circuit), the Commission does not adopt a distribution-only tariff.

(Comr Lynch - ALJ Cooke, ALJ Sullivan)

Pub. Util. Code § 311 – This item was mailed for Public Comment

Pub. Util Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

(Agenda 3107, Item 5 2/13/2003 (Peevey))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141260

**H-11
1650****I00-11-001 - Order Instituting Investigation Into Implementation of Assembly Bill 970 Regarding the Identification of Electric Transmission and Distribution Constraints, Actions to Resolve Those Constraints, and Related Matters Affecting the Reliability of Electric Supply.**

This decision concludes that the construction of the Miguel-Mission and Imperial Valley Projects will be economic to San Diego Gas & Electric Company's (SDG&E) ratepayers if a threshold amount of new generation develops in the California-Mexico border region and if project costs do not exceed the preliminary estimates presented in this proceeding. The Commission conditions its finding of economic need in two ways. First, it requires SDG&E to coordinate construction of the transmission upgrades with the construction of a threshold level of new generation in the border area. This will be accomplished through a schedule of milestone conditions discussed in this decision. Second, it caps project costs based on the estimates presented in this proceeding, subject to reasonableness review. With regard to licensing, the Commission finds that the Imperial Valley Project does not require the issuance of a Permit to Construct or a Certificate of Public Convenience and Necessity (CPCN) under the requirements of General Order 131-D. However, it directs SDG&E to file an informational advice letter on this project that documents the characteristics of this project that qualify it for exemption from General Order 131-D. The Commission concludes that the CPCN process does apply to the Miguel-Mission Project because this project would increase the existing 138/69 kV transmission line to 230 kV capacity. However, the Commission expedites the licensing process by permitting SDG&E to file its CPCN application under Section IX of General Order 131-D absent the information required by subparts (c), (d) and (f). The milestone conditions set forth the schedule for SDG&E's filings for these projects.

(Comr Lynch - ALJ Gottstein)

Pub. Util. Code § 311 – This item was mailed for Public Comment

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

(Agenda 3107, Item 4 2/13/2003 (Staff))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141366

Orders

- 1**
1722 **R02-01-011 - Order Instituting Rulemaking Regarding the Implementation of the Suspension of Direct Access Pursuant to Assembly Bill 1X and Decision 01-09-060.**
This decision adopts mechanisms to implement cost responsibility surcharges for customer generation departing load. The decision approves a Settlement Agreement subject to certain modifications.
(Comr Brown, Comr Wood - ALJ Pulsifer)
Pub. Util. Code § 311 – This item was mailed for Public Comment
Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=140163
- 1a**
1800 **ALTERNATE TO ITEM 1722**
This alternate order differs from the proposed decision in that it denies the Settlement Agreement proposed by parties. This decision finds that departing load should be assessed all the elements of the Direct Access Customer Surcharge Responsibilities as identified in D02-11-022 for direct access customers. However, this decision provides an exemption for customer generation eligible for net metering as well as ultra-clean and low-emission distributed generation as defined in Pub. Util. Code Section 353.2(a).
(Comr Lynch)
- 2**
1726 **A02-07-001 - Southern California Gas Company**
A02-07-002, A02-07-003, A02-07-004, R01-08-027 - Related matters. This decision approves evaluation plans for the California Alternate Rates for energy program submitted by the utilities, subject to certain modifications. The Commission also adopts Energy Division's recommendations for a management and operational audit of Pacific Gas and Electric Company's 2001 and 2002 Low-Income Energy Efficiency Program.
(Comr Wood - ALJ Gottstein)
Pub. Util. Code § 311 – This item was mailed for Public Comment
Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141454
- 3**
1739 **P02-10-035 - Greenlining Institute and Latino Issues Forum and R_____ - Rulemaking for the purpose of Amending General Order 156.**
For a Commission Order Instituting Rulemaking to adopt, amend or repeal a regulation pursuant to California Public Utilities Code Section 1708.5 by amending General Order 156. This order grants the Petition of the Greenling Institute and Latino Issues Forum to institute a rulemaking to amend General Order 156. This order closes P02-10-035.
(Comr Brown - ALJ Econome)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141877

- 4**
1772 **R _____ - Order Instituting Rulemaking into Implementation of Assembly Bill 140, Establishing the Rural Telecommunications Infrastructure Grant Program.**
This rulemaking is opened to establish a Commission-administered grant program that will bring telecommunications service to low-income citizens residing in rural areas of the state that lack such service.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141195
- 5**
1774 **R _____ - Order Instituting Rulemaking to establish policies and criteria to authorize an increase in the rate of return allowed an electrical corporation on its electric plant due to sustainable land and resource management practices pursuant to Public Utilities Code 454.3.**
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141783
- 6**
1776 **A01-09-045 - Lodi Gas Storage, L.L.C. (LGS), Western Hub Properties L.L.C. (Western Hub), and WHP Acquisition Company, LLC (WHP Acquisition).**
This decision approves a change in the ultimate ownership and control of LGS and its Lodi gas storage facility by which WHP Acquisition, owned by ArcLight Energy Partners Fund I, L.P., will acquire an indirect 50% interest in LGS concurrent with the reduction of Western Hub's interest from 100% to 50%. The change of control will not affect the rates, terms, or conditions under which LGS is to operate pursuant to previous Commission decisions. LGS will continue to offer market-based rates to noncore natural gas storage customers in accordance with the requirements of its tariff and the orders of this Commission. The approval is conditioned upon a ban on certain affiliate transactions and upon the requirement that LGS file certain reports with the Commission. This proceeding is closed.
(Comr Lynch - ALJ Vieth)
Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141710
- 7**
1777 **R _____, I _____ - Order Instituting Rulemaking and Order Instituting Investigation on the Commission's own motion to re-examine the underlying issues involved in the submetering discount for mobile home parks and to stay D01-08-040.**
This Order opens a Rulemaking and an Investigation on the Commission's own motion to re-examine the underlying issues involved in the submetering discount for mobile home parks, and to stay D01-08-040. This OII/OIR will explore setting a uniform statewide rate structure and method to calculate the submetering discount. In Phase 1 the Commission will identify and define cost components and in Phase 2, which includes testimony and hearings, the Commission may quantify the amount of the submeter discount applicable to all jurisdictional utilities statewide.

8 **R01-10-024 - Order Instituting Rulemaking to Establish Policies and Cost Recovery**
1790 **Mechanism for Generation Procurement and Renewable Resource Development.**

This decision addresses the Department of Water Resources (DWR) Petition for Modification of D02-09-053, requesting that the Commission allocate agreements between DWR and Madera Power LLC, Dinuba Energy, Inc., Sierra Pacific Industries, and Sierra Power Corp. to one or more IOUs.
(Comr Lynch - ALJ Halligan)

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

8a (Rev.) **ALTERNATE TO ITEM 1790**
1816

This alternate grants the request of the Department of Water Resources (DWR) that the Commission allocate agreements between DWR and Madera Power LLC, Dinuba Energy, Inc., Sierra Pacific Industries, and Sierra Power Corp. to one or more investor-owned utilities.

(Comr Peevey)

02/24/2003 - This item was not listed on the agenda distributed to the public.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141734

Utilities Resolutions and Written Reports**Energy Matters****E-1 Res G-3334 - Southern California Gas Company (SoCalGas).****1348**

SoCalGas proposes an implementation schedule, tariffs, and rules to implement the Gas Industry Reform Decision 01-12-018 (GIR Decision). This resolution denies the advice letters without prejudice, and orders SoCalGas to file an application to implement the GIR Decision. (Advice Letter (AL) 3100-A filed January 28, 2002; AL 3105 filed January 2, 2002; AL 3109-A filed February 13, 2002; AL 3112 filed January 30, 2002; AL 3117 filed February 2, 2002; AL 3123-A filed March 19, 2002; AL 3146 filed May 1, 2002; AL 3147 filed May 2, 2002; and AL 3174 filed July 23, 2002.)

Pub. Util. Code § 311 – This item was mailed for Public Comment

(Agenda 3102, Item E-4 12/5/2002 (Wood); Agenda 3103, Item E-4 12/17/2002

(Peevey); Agenda 3105, Item E-1 1/16/2003 (Brown))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141387

E-1a ALTERNATE TO ITEM 1348**1345**

SoCalGas requests an implementation schedule, tariffs and rules to implement the Gas Industry Reform Decision 01-12-018 (GIR Decision). This resolution establishes a schedule for implementation of that decision, orders workshops to resolve issues in the unbundling of intrastate transmission and storage, and orders SoCalGas to file supplemental advice letters on transmission and storage upon completion of the workshops. (Advice Letter (AL) 3109-A filed February 13, 2002, AL 3117 filed February 2, 2002, AL 3123-A filed March 19, 2002, AL 3146 filed May 1, 2002 and AL 3147 filed May 2, 2002.)

(Comr Brown)

Pub. Util. Code § 311 – This item was mailed for Public Comment

(Agenda 3102, Item E-4b 12/5/2002 (Wood); Agenda 3103, Item E-4a 12/17/2002

(Peevey); Agenda 3105, Item E-1a 1/16/2003 (Brown))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141388

E-2 Res G-3338 - Southern California Gas Company (SoCalGas).**1368**

This resolution approves the request of SoCalGas to deviate from its Tariff Schedule No. GT-I, Interruptible Intrastate Transmission Service; and Rule No. 2, Description of Service. Approval of these deviations will allow SoCalGas to provide Praxair-Ontario high pressure transmission service while maintaining Praxair's classification as a distribution-level customer. (Advice Letter 3136, filed March 22, 2002.)

Pub. Util. Code § 311 – This item was mailed for Public Comment

(Agenda 3103, Item E-6 12/17/2002 (Peevey); Agenda 3105, Item E-2 1/16/2003

(Wood); Agenda 3106, Item E-1 1/30/2003 (Staff); Agenda 3107, Item E-1 2/13/2003

(Wood))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=139061

E-2a ALTERNATE TO ITEM 1368**1664**

This resolution finds that Southern California Gas Company's (SoCalGas) request to deviate from Rule No. 2, Description of Service is moot and denies SoCalGas' request to deviate from its Tariff Schedule No. GT-I. Denying these deviations will allow Praxair-Ontario to take high pressure transmission service at transmission-level rates.

(Comr Wood)

(Agenda 3106, Item E-1a 1/30/2003 (Staff); Agenda 3107, Item E-1a 2/13/2003 (Wood))

**E-3
1750****Res E-3814 - Southern California Edison Company (SCE).**

SCE for Commission approval of one power purchase agreement contributing toward procurement of at least an additional one percent of the utility's annual electric sales from renewable energy resources irrespective of the utility's residual net short. (Advice Letter 1680-E, filed January 14, 2003)
(Agenda 3107, Item E-3 2/13/2003 (Brown))

**E-4
1771****Res E-3816 - Southern California Edison Company.**

For approval of one power purchase agreement (PPA) contributing toward procurement of at least an additional one percent of the utility's annual electric sales from renewable energy resources irrespective of the utility's residual net short. Consideration of this PPA had previously been deferred from Resolution E-3809 and is now being addressed here. (Advice Letter 1680-E, filed January 14, 2003)

Telecommunications Matters**C-1 Res T-16701****1338**

This resolution revises fiscal year 2002-2003 budget and surcharge rate for the California High Cost Fund-A Administrative Committee Fund adopted in Resolution T-16550.

Pub. Util. Code § 311 – This item was mailed for Public Comment

(Agenda 3102, Item C-4 12/5/2002 (Staff); Agenda 3103, Item C-4 12/17/2002 (Staff); Agenda 3105, Item C-2 1/16/2003 (Staff); Agenda 3106, Item C-2 1/30/2003 (Staff); Agenda 3107, Item C-1 2/13/2003 (Staff))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=136663

C-2 Res T-16722 - Verizon California Incorporated (Verizon).**1544**

This resolution denies Verizon's request to amend its existing CentraNet contract with AMI Telecommunications to incorporate individual endusers into the service.

(Agenda 3105, Item C-5 1/16/2003 (Staff); Agenda 3106, Item C-5 1/30/2003 (Staff))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=138437

C-3 (Rev.) Res T-16705 - Pacific Bell Telephone Company (PacBell).**1595**

This resolution rejects Pacific Bells End User Common Line (EUCL) offset adjustments for business line and Private Branch Exchange trunk services, but is modified to the authorize use of the EUCL offset on below-cost access lines from falling further below their reported costs. To prohibit use of the EUCL offset on below-cost access lines when EUCL charges increase to permit the gap between price and cost to close. If and when the price (tariff rate plus EUCL charge) for a below-cost access line service equals or exceeds the Commission approved price floor for the service, the “one-way” EUCL offset limitation would cease to apply. (AL 23202 and AL 23202A, filed August 29, 2002 and September 18, 2002, respectively)

Pub. Util. Code § 311 – This item was mailed for Public Comment

(Agenda 3107, Item CA-5 2/13/2003 (Staff))

02/26/2003 - This revision was not shown on the Agenda mailed to the public.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141802

Commissioner's Reports

CR-1 **Commissioners' Reports**
1679 Miscellaneous Commissioners' reports.

CR-2 **Commissioner Lynch Report**
1309 Institution of investigation regarding the Commission's enforcement regarding misuse of state government property through use of inappropriate material and comparing the Commission's enforcement and standards to those of the Department of Justice and the Office of the Governor. (Agenda 3099, Item CR-2 11/7/2002 (Staff); Agenda 3101, Item CR-2 11/21/2002 (Staff); Agenda 3102, Item CR-2 12/5/2002 (Staff); Agenda 3103, Item CR-2 12/17/2002 (Staff); Agenda 3105, Item CR-2 1/16/2003 (Lynch); Agenda 3107, Item CR-2 2/13/2003 (Lynch))

Management Reports and Resolutions

M-1	Management Reports
1680	Miscellaneous Management reports.

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).

Non-Federal Items

Orders Held Over

- HEX-1** **A00-11-038 - Conference with Legal Counsel - Application for Rehearing.**
1347 A00-11-056, A00-10-028 - Related matters. Disposition of Application for Rehearing of D02-06-070, as modified by D02-07-007, filed by Southern California Edison Company and Pacific Gas and Electric Company.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session
Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.
 (Agenda 3101, Item EX-5 11/21/2002 (Wood); Agenda 3103, Item HEX-2 12/17/2002 (Wood); Agenda 3105, Item HEX-1 1/16/2003 (Lynch); Agenda 3107, Item HEX-1 2/13/2003 (Lynch))
- HEX-2** **C00-01-017 - Conference with Legal Counsel - Existing Litigation**
1584 California Court of Appeal Case No. A097737 (Hillsboro Properties v. CPUC, et al.); California Court of Appeal Case No. A098327 (Western Manufactured Housing Community Association v. CPUC, et al.)
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session
 (Agenda 3105, Item EX-5 1/16/2003 (Staff))

**HEX-3
1690****R01-09-001 - Conference with Legal Counsel – Application for Rehearing**

I01-09-002 - Related matters. Disposition of Application for Rehearing of D02-10-020 filed by Verizon California Incorporated. D02-10-020 is the decision in Phase I of this proceeding. Among other things, it modifies and adopts the Joint Exhibit submitted by the parties that resolves most of the issues and requires all excessive directory earnings to be imputed for the purpose of determining Verizon's intrastate rates of return and sharable earnings during the period of 1996 through 1998. The decision further requires Verizon to file revised financial monitoring reports for every year beginning with 1996, which reflect all excessive directory earnings attributable to Verizon's California intrastate operations, until further notice from the Commission.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session

Gov. Code § 11126.3(d), allows this item to be considered in Closed Session

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

(Agenda 3107, Item EX-5 2/13/2003 (Kennedy))

**HEX-4
1733****A00-11-038 - Conference with Legal Counsel – Application for Rehearing**

A00-11-056; A00-10-028 - Related matters. Disposition of the applications for rehearing of D02-11-026 filed by The Utility Reform Network, and the California Manufacturer and Technology Association. D02-11-026 modifies the restriction that the Commission had placed on the use of the revenue from the surcharges the Commission authorized for Pacific Gas and Electric Company and Southern California Edison Company in D01-01-018 and D01-03-082.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

(Agenda 3107, Item EX-7 2/13/2003 (Staff))

**HEX-5
1752****Case No. 32381 - Conference with Legal Counsel – Existing Litigation**

Long v. CPUC, Case No. 32381 (San Francisco Superior Court)

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session

(Agenda 3107, Item EX-10 2/13/2003 (Staff))

Orders**EX-1 Conference with Legal Counsel - Application for Rehearing**

1681 Compilation of applications for rehearing recently filed with the Commission.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session

EX-2 Conference with Legal Counsel - Threatened Litigation

1682 Significant exposure to litigation.
Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session

EX-3 Conference with Legal Counsel - Initiation of Litigation

1683 Consideration of possible Commission initiation of, or intervention in, litigation.
Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session

EX-4 Personnel Matters

1684 Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.
Gov. Code § 11126(a), allows this item to be considered in Closed Session

EX-5 Case No. CGC-02-406939 - Conference with Legal Counsel – Existing Litigation

1794 Rendon v. CPUC, Case No. CGC-02-406939 (San Francisco Superior Court).
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session

Federal Items**Items****FEX-1 Conference with Legal Counsel - Initiation of Litigation**

1685 Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session

FEX-2 Case No. 01 30923 DM - Conference with Legal Counsel - Existing Litigation.

1686 Pacific Gas and Electric Company (Debtor), United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 01 30923 DM.

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session

FEX-3 Case No. 01-56879, DC. No. CV-00-12056-RSWL, - Conference with Counsel - Existing Litigation.

1687

Southern California Edison v. Lynch, et al., United States Court of Appeal for the Ninth Circuit, Case No. 01-56879, DC. No. CV-00-12056-RSWL.

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session

FEX-4 Case No. C01-3023 VRW - Conference with Legal Counsel - Existing Litigation

1688

Pacific Gas and Electric Company v. Lynch, et al., United States District Court for the Northern District of California, San Francisco Division, Case No. C01-3023 VRW.

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session

FEX-5 FERC Docket No. RP00-241-006 - Conference with Legal Counsel – Existing Litigation

1754

Public Utilities Commission of the State of California v. El Paso Natural Gas Company, et al.

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session

FEX-6 DC Circuit Docket No. 02-1358 - Conference with Legal Counsel – Existing Litigation

1780

Public Utilities Commission v. FERC, DC Circuit Docket No. 02-1358.

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session

FEX-7 FERC Docket No. EL02-113-000 - Conference with Legal Counsel – Existing Litigation.

1786

El Paso Electric Company, et al., FERC Docket No. EL02-113-000.

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session

FEX-8 FERC Docket No. RM01-12-000 - Conference with Legal Counsel – Existing Litigation .

1791

Standard Market Design Rulemaking, FERC Docket No. RM01-12-000.

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session

**FEX-9
1802**

**FCC Docket No. CC 99-200 and CC 96-98 - Conference with Legal Counsel - Existing
Litigation.**

In the matter of Numbering Resource Optimization and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996.

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session